

Docket Item #7
BZA CASE #2003-00059

Board of Zoning Appeals
December 11, 2003

ADDRESS: 2508 LESLIE AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: CHARLES ANDRAE, OWNER

ISSUE: Variance to construct a garage in the required front and side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard (Stewart)	25.00 ft	23.50 ft	1.50 ft
3-506(A)(2)	Side Yard (West)	7.00 ft*	2.50 ft	4.50 ft
	Side Yard (South)	7.00 ft**	2.50 ft	4.50 ft

* Based on a building height of 13.50 feet to the mid-point of the gable roof facing the west side property line.

** Based on a building height of 11.00 feet to the eave line of the roof facing the south side property line.



(insert sketch here)

STAFF CONCLUSION:

This property does not meet the requirements for a variance.

DISCUSSION:

1. The applicant proposes to construct a detached two-car garage on the property at 2508 Leslie Avenue. The new two-car garage is to be located 23.50 feet from the front property line on Stewart Avenue, 2.50 feet from the south side property line and 2.50 feet from the west side property line.
2. On September 12, 2002, the applicant filed a variance to build a two-car garage that measured 36.00 feet by 26.00 feet by 19.50 feet tall with interior stairs to a second floor storage area with dormer windows. The structure was located 18.50 feet from the front property line facing Stewart Avenue, on the west side property line and 3.50 feet from the south side property line. The Board deferred the case to allow the applicant time to explore design alternatives and reduce the size of the new garage. On October 10, 2002, the applicant presented a new garage design that was a smaller footprint and reduced in height. The revised garage design measured 26.00 feet by 22.00 feet by 17.50 feet in height; the second floor storage space and dormer windows were still proposed. The garage was to be located 2.50 feet from the west side property line and 2.50 feet from the south side property line and 24.50 feet from the front property line facing Stewart Avenue. The proposed garage continued to be shown as a two-car garage with second floor storage. The Board, however, was reluctant to support such a large outbuilding on a lot where the majority of the property would be occupied by structures and pavement. The Board expressed concern that the new garage appeared as another detached structure on a single-family lot. On October 23, 2002, the applicant withdrew his request for variance.
3. The applicant has resubmitted his plans to build a detached two-car garage as shown to the Board on October 10, 2002. The footprint of the new garage continues to be shown as 26.00 feet by 22.00 feet by 17.50 feet in height. No front dormers are incorporated into the design as originally submitted in October 10, 2002. The proposed garage is located 2.50 feet from the south side property line and 2.50 feet from the west side property line and 23.50 feet from the front property line facing Stewart Avenue. The measurements are taken from the edge of the roof overhang. The height of the garage to the mid-point of the gable roof facing the west side property line is 13.50 feet and 11.00 feet to the eave line of the roof facing the west side property line. The garage will continue to be used for two vehicles on the first floor and storage on the second floor. Access to the garage will be provided from a new curb cut on Stewart Avenue.

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4. The proposed garage will comply with the R-2-5 zone floor area computations. As indicated the proposed garage totals 1,730 gross square feet. (Refer to attached floor area calculations).
5. The subject property, a corner lot, is one lot of record with 54.50 feet of frontage on Leslie Avenue, 122 feet of frontage on Stewart Avenue and a depth of 51.16 feet. The lot totals 6,410 square feet.
6. An existing two-story frame single family dwelling is currently a noncomplying structure in that it does not comply with the R-2-5 zone front and side yards facing Leslie Avenue and Stewart Avenue. The house is located 13.50 feet from the front property line on Leslie Avenue, 13.00 feet from the front property line on Stewart Avenue, 8.00 feet from the south side property line and 50.50 feet from the west side property line. According to real estate assessment records, the house was constructed in 1934.
7. The applicant indicates that corner lots in the neighborhood are about 6,500 square feet in size and generally occupied by a house. A house on a corner lot is usually oriented to the shorter width of the lot, which in this case is the Leslie Avenue frontage. The characteristics of a corner lot limit compliance with the zoning ordinance. According to the applicant, the secondary front yard functions more like a rear yard.
8. No variances have been previously approved for the subject property.
9. Since 1990, the Board has heard one variance application for a garage in the immediate neighborhood. (Staff report for BZA Case #6148 and Board action is attached.)
10. Historic Preservation review staff notes that the one-and-a-half story frame house with side gable at 2508 Leslie Avenue is representative of the Bungalow style which is particularly prevalent in the Abingdon section of Potomac. This section was developed in the 1920s on the site of the old St. Asaph's Race Track. The house at 2508 Leslie Avenue, constructed circa 1925, is a particularly fine and well-maintained example of the Bungalow style and contributes to the National Register listed Town of Potomac Historic District.
11. Staff believes that the size of the proposed garage is excessive given the relatively small size of the lot and house. Historically, the garages in the historic district were simple, small structures, often built in the late 1920s or 1930s to house a single car of the period. Staff recommends that the proposed garage be reduced in its footprint. As far as can be ascertained from the preliminary plans provided, which did not show materials, the architectural design of the proposed garage is appropriate to the house and historic district.

- 11. Master Plan/Zoning: The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential low land use.

REQUESTED VARIANCES:

Section 4-406(A)(1), Front Yard:

The R-2-5 zone requires a front yard setback of 25.00 feet. The proposed garage is located 23.50 feet from the front property line facing Stewart Avenue. A variance of 1.50 feet is required.

Section 4-406(A)(2), Side Yard:

The R-2-5 zone requires a minimum side yard setback of 7.00 feet or one-third the building height, whichever is greater. The proposed garage will be located 2.50 feet from the west side property line and 2.50 feet from the south side property line. The applicant requests a variance of 4.50 feet respectively.

NONCOMPLYING STRUCTURE:

The existing house at 2508 Leslie Avenue is a noncomplying structure with respect to the following:

<u>Yard Provision</u>	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Front Yard	25.00 ft	13.50 ft	11.50

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:

- 1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The property is not irregular in shape, although it is a corner lot and similar in size and dimensions as other corner lots along Leslie Avenue and, specifically, the Del Ray neighborhood. The property’s topography and characteristics do not prohibit or unreasonably restrict the use of the property inasmuch as the lot accommodates a sizeable home. Over half of the lot is occupied by the existing house. Construction of a large accessory garage structure will result in the lot being totally occupied by structures with little open space. There is no hardship.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?
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The zoning classification of the subject property is R-2-5, as are other adjoining properties along Leslie Avenue and the Del Ray neighborhood at large. The applicant's property is similar to other corner lots in size and area as are nearby corner lot properties. In staff's opinion the properties in the general area are the same general size and share the same physical conditions as the applicant's property. In fact, the subject property complies with the R-2-5 zone requirement for a corner lot. The zoning ordinance defines a corner lot as one with two front yards and two side yards; no rear yard is applicable on a corner lot. Although the subject property does have two front yards, the new garage structure could be reduced to accommodate only one car and located more to the center of the lot and west side property line to comply with R-2-5 zoning requirements. Staff finds no hardship in this case.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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The applicant recently acquired the subject property in May, 2002, and was aware of the conditions of the property and double street frontage of the lot. A new curb cut will have to be installed to access the new garage. The City will likely support the curb cut which is similar to others in the neighborhood. If there has to be parking on the lot, a better alternative would be to add a surface parking space or a smaller garage without the need of a variance.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?
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The granting of the requested variance will be detrimental to adjacent properties and to the neighborhood. Introduction of an accessory garage structure nearly as large as the existing house will result in the entire lot occupied by structures. The proposed garage will introduce a large new building mass when viewed from the properties across Stewart Avenue and will invite others to seek relief by building larger structures into the required front yards, thereby altering the existing character of the neighborhood. No other corner or rear lots in the Del Ray neighborhood have a detached garage structure that comes near the size of the building proposed by the applicant. Such a large garage is disproportionate in scale to the property and to adjoining properties. The design of the structure makes it appear more like a second dwelling than a garage; a second dwelling would not be permitted as the lot cannot accommodate two dwelling units because of lack of lot area.

5. Have alternate plans been considered so that a variance would not be needed?

None that would meet the applicant's needs.

6. Is any other official remedy available to relieve the hardship?

No other remedy except a variance or build a smaller accessory structure or provide surface parking. Staff would support a curb cut which is in character with similar curb cuts within the neighborhood.

STAFF: Barbara Ross, Deputy Director, and Peter Leiberg, Principal Planner, Department of Planning and Zoning

DEPARTMENTAL COMMENTS

Transportation and Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 There is a large oak tree located on the adjacent property that may be negatively affected by the construction of the garage.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.